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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,	)	Criminal No. 3:16-cr-26
v.	)	**INDICTMENT**
BENJAMIN JOHN HIGGERSON,	)	T. 18 U.S.C. § 2252(a)(4)(B) T. 18 U.S.C. § 2252(b)(2)
Defendant.	)	T. 18 U.S.C. § 2253

THE GRAND JURY CHARGES:

COUNT 1
(Possession of Child Pornography)

On or about September 9, 2015, in the Southern District of Iowa, the defendant, BENJAMIN JOHN HIGGERSON, did knowingly possess one (1) and more items, including images stored on computers and other digital media and other matters, containing visual depictions that had been shipped and transported in interstate and foreign commerce, and which were produced using materials which had been so shipped and transported, by any means including by a computer, the producing of said visual depictions involving the use of minors, that is, persons under the age of eighteen (18) years, and visual depictions involving prepubescent minors and minors who had not attained 12 years of age, engaging in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), including, but not limited to, the lascivious exhibition of the genitals and the pubic area of any person, said visual depictions being of such conduct.

This is a violation of Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2).

THE GRAND JURY FINDS:

NOTICE OF FORFEITURE

1. The allegations contained in Count 1 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures, pursuant to the provisions of Title 18, United States Code, Section 2253.

2. From his engagement in the violation alleged in Count 1 of this Indictment, the defendant, BENJAMIN JOHN HIGGERSON, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253 all interest in:

a. Any visual depiction or other matter containing such visual depiction which was produced, transported, mailed, shipped, received, or possessed as alleged in Count 1 of this Indictment;

b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses alleged in Count 1 of this Indictment; and

c. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses alleged in Count 1 of this Indictment.

3. The property referenced in paragraphs 2, subparagraphs a, b, and c above includes, but is not limited to, computer hardware such as monitors, central processing units, and keyboards, computer programs, software, computer storage devices such as disk drive units, disks, tapes, and hard disk drives/units, peripherals, modems and other telephonic and acoustical equipment, printers, contents of memory data contained in and through the aforementioned hardware and software, tools, equipment, manuals and documentation for the assembly and use of the aforementioned hardware and software. The property referenced above specifically includes, but is not limited to, the items seized by law enforcement on or about September 9, 2015 including a blue and grey Dell Inspiron laptop, serial number (S/N) 9X2MC51; black Dell Inspiron laptop, S/N 1QXRXJ1; a 1.5TB black external USB Toshiba HDD, S/N

43FZTJIPTTV2; a black DP, model 15, laptop, S/N 5CD5303CL6; a white Gateway desktop computer, S/N 0019892693.

4. If, as a result of any act or omission of the defendant, BENJAMIN JOHN HIGGERSON, any of the property described above as being subject to forfeiture:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty.

It is the intent of the United States, pursuant to Title 18, United States Code, Section 2253(a), to seek forfeiture of any other property of the defendant up to the value of any forfeitable property described above.

All pursuant to Title 18, United States Code, Section 2253.

A TRUE BILL.

/s/ ____________________
FOREPERSON

Kevin E. VanderSchel
Acting United States Attorney

By: /s/ ____________________
Clifford R. Cronk III
Assistant United States Attorney